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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/656,547	09/04/2003	Theodore Sirkin		8174

7590 02/23/2005
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EXAMINER

BARNEY, SETH E

ART UNIT PAPER NUMBER

3752

DATE MAILED: 02/23/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/656,547

Applicant(s)

SIRKIN, THEODORE

Examiner

Seth Barney

Art Unit

3752

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 04 September 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-24 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-24 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 9/4/03 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-15 and 19-24 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,193,114 to Hopkins.

Regarding claim 1, Hopkins discloses a spraying attachment having:

-a body having a first arm (23) with a duct (35) extending therethrough capable of flushing out water.

-a second arm (C) having a duct (26) extending therethrough capable of redirecting water

-an outwardly extending third arm (A) capable of being engaged by the user to facilitate connection

Regarding claim 2, the second arm of the attachment directs fluid in a direction angularly located to the direction of the flow in the first arm. See Figure 1A.

Regarding claim 3, the second arm of the attachment directs water at approximately 90 degrees. See Figure 1A.

Regarding claim 4, the first and second arms of the attachment are integral with one another and the ducts generally have the same diameter. See Figures 1A and 1B.

Regarding claim 5, the third arm of the attachment is integral to the first and second arms and extends parallel to the second arm and perpendicular to the first arm. See Figure 1A.

Regarding claim 6, a fourth arm (B) is attached to the first, second, and third arms, such that it is parallel to the first arm and perpendicular to the second arm. See Figure 1A.

Regarding claim 7, the third arm of the attachment is integral to the first and second arms and extends in a direction parallel to the second arm and also has a duct in fluid communication with the first and second arms. The attachment also includes caps (31) that can be used to prevent the flushing of fluid therethrough. See Figure 1A.

Regarding claim 8, a fourth arm is also connected to the first, second, and third arms in a parallel direction to the first arm and perpendicular to the second arm, and the third arm is located parallel to the second arm and perpendicular to first arm and the fourth arm is located parallel to the first arm and perpendicular to the second arm. See Figure 1A.

Regarding claim 9, the fourth arm has a duct extending therethrough. See Figure 1A.

Regarding claim 10, Hopkins discloses a spraying attachment having:

- first (23) and second (C) arms that are angularly located with respect tot one another capable of diverting water being flushed through. See Figure 1A.

- a third arm (A) extending angularly with respect to the first and second arms and also being capable of directing water being flushed through. See Figure 1A.

-threaded connection means (24, 27, 28, 29) on the arms capable for connection to a threaded section of an upper end of a sprinkler head.

Regarding claim 11, the attachment is shaped like a cross. See Figure 1A.

Regarding claim 12 and 15, the threaded connection means on the first arm comprises a female threaded section (24), which would be received on a male threaded connection. See Figure 1A.

Regarding claims 13 and 14, the connection means (27,28,29) on the other arms are male threaded and would be received in a female threaded connection. See Figure 1A.

Regarding claim 19, Hopkins discloses an attachment having:

-a tube (23 and B) having an inner duct (26) extending therethrough from end to end of the tube and is capable of being attached to the upper end of a sprinkler head and is vertically arranged. See Figure 1A.

-the lower end of the tube is whatever size necessary to make engagement

-first threaded connection means (24) at the tube capable of connecting to the threads of a pop-up riser, such that the duct would be vertically arranged.

-a second threaded connection (28) allowing for attachment to a different type of threaded connection.

Regarding claim 20, the device has another tube (A and C) extending angularly away from the first tube. See Figure 1A.

Regarding claim 21, the device has different types of connection means spaced apart from each other.

Regarding claim 22, the lower end is of the appropriate size to make the connection.

Regarding claim 23, the device has both internally and externally threaded sections.

Regarding claim 24, size is not a patentable feature, and the device of Hopkins would fit into a garden hose depending on the size of the hose.

3. Claims 16-18 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,257,826 to Prassas et al.

Prassas et al. discloses an irrigation fitting having:

- a sprinkler head body (28)
- a connecting attachment (10) for attachment the sprinkler head body
- attaching means (38 and 36)
- a vertically arranged pipe (12)
- an angular pipe(16) angled 90 degrees with respect to the vertically arranged pipe.
- wherein the attachment is attached to the sprinkler head and allows for the flushing of water.

The apparatus shown by Prassas is capable of performing the method or steps recited in the claim.

Conclusion

4. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. U.S. Patent No. 6,547,159 to Westby discloses a irrigation kit in which several diferetn pipe heads can be attached to the riser pipe. U.S. Patent No.

Art Unit: 3752

2,460,622 to Crawley discloses a fitting having a cross shape with four threaded ends and a passage for flow through each end. U.S. Patent No. 6,318,383 to Wood discloses a law sprinkling cleaning device wherein the sprinkler head is removed from the sprinkler system and flushed with water at a remote location to the irrigator.

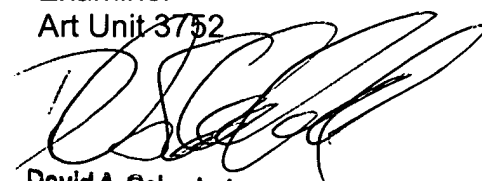
Any inquiry concerning this communication or earlier communications from the examiner should be directed to Seth Barney whose telephone number is (571)272-4896. The examiner can normally be reached on 7:30am-5:00pm (Mon-Fri).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Dave Scherbel can be reached on (571)272-4919. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

SB

Seth Barney
Examiner
Art Unit 3752



David A. Scherbel
Supervisory Patent Examiner
Group 3700